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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,345	02/19/2004	Behram Dacosta	50T5722.02	5398
36738	7590	05/13/2009		
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 05/13/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,345

Applicant(s)

DACOSTA, BEHRAM

Examiner

Tanim Hossain

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8-13 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8-13 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 2/13/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 8-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers (U.S. 2005/0083882) in view of Official Notice.

As per claim 1, Sayers teaches a system comprising: at least one wireless system server having at least a primary communication system (paragraphs 0020-0023, 0026-0028); and at least one wireless component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends configuration information to the server using a secondary communication system that is out-of-band with the primary systems, wherein the secondary communication system is an IR system, each of the server and the component having at least one respective IR port, the configuration information being exchangeable through the ports, further comprising a remote control device establishing a relay node between the ports (Figures 5A, B; paragraphs 0034-0038). Sayers does not specifically teach that the system is a home entertainment system. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to employ this functionality into a home entertainment

system, where components send configuration information to a server. The motivation for doing so lies in the fact that the stated problems, namely security and the prevention of signal interception, also exist in a home entertainment system as it does in the computing system of Sayers. Employing these concepts into a home entertainment system would prevent intrusion by attackers, would enhance security, and would have been envisioned by one of ordinary skill in the art.

As per claim 2, Sayers teaches the system of claim 1, wherein the server sends configuration information using a secondary communication system to the component (0020-0023, 0026-0028, 0041-0042).

As per claim 4, Sayers teaches a home entertainment system, comprising: at least one wireless system server having at least a primary communication system (0020-0023, 0026-0028); and at least one wireless component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends configuration information needed for communicating on the primary system to the server using a secondary communication system that is out-of-band with the primary system (0020-0023, 0026-0028, 0041-0042). Sayers does not specifically teach that the secondary communication system includes at least one removable media drive and at least one media component removably engageable with the drive. Official Notice is taken that it would have been obvious to one of ordinary skill in the art to include the ability to include smart card functionality, for example, to assist in the configuration process, where the smart card is engaged with the server to receive configuration information, which is then engaged with the device to exchange that information. Such concepts are well known in the art of computing, such that

smart cards may contain configuration information, for example, and constitute design choices rather than a patentable distinction. Immonen (U.S. 7,382,882), as one example, teaches the exchange of configuration information between a wireless device and a server through the use of smart cards. This means that the primary communication method is through a wireless network, and the secondary method is the smart card exchange of configuration information (column 6, line 25 – column 7, line 53). The inclusion in Sayers of this well known concept would have been envisioned by one of ordinary skill.

As per claim 6, Sayers teaches the system of claim 5, wherein the configuration information is exchangeable only when the ports are aligned with each other in line of sight of each other (0020-0023, 0026-0028).

As per claim 8, Sayers teaches the system of claim 10, wherein the secondary communication system is a near field system that requires a communication distance between the component and server of less than about twenty five feet to permit exchange of the configuration information (0020-0023, 0026-0028).

As per claim 9, Sayers teaches the system of claim 8, wherein the configuration information is exchanged automatically between the server and component when the distance between them is within the communication distance (0020-0023, 0026-0028).

As per claim 10, Sayers teaches the a home entertainment system, comprising: at least one wireless system server having at least a primary communication system (0020-0023, 0026-0028); and at least one wireless component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends configuration information to the server using a secondary communication

system that is out-of-band with the primary systems, wherein the configuration information is exchanged between the server and component only when the distance between them is within a communication distance and a user manipulates at least one button on at least one of the server and the component (0020-0023, 0026-0028, 0034-0040).

As per claim 11, Sayers teaches the system of claim 1, wherein the secondary communication systems are personal area networks (0020-0023, 0026-0028).

As per claim 12, Sayers teaches the system of claim 1, wherein the primary communication system is an 802.11 system (0020-0023, 0026-0028).

As per claim 13, Sayers teaches the system of claim 12, but does not specifically teach that the server is a set-top box receiver. Sayers teaches that the server may be a computer or a base station, for example. As such, Official Notice is taken that it would have been obvious to one of ordinary skill to employ the server as a set-top box receiver. The use of such receivers is common in the art of communication services, and constitutes a design choice rather than a patentable distinction.

As per claim 30, Sayers teaches the system of claim 1, wherein the configuration information includes an encryption key, a media access address, and a network name (0020-0023).

Response to Arguments

Applicant's arguments filed on February 17, 2009 have fully been considered.

a. The obviousness concept of a remote control to exchange configuration information was not considered in a vacuum, but rather with respect to whether its inclusion would have been envisioned by one of ordinary skill, in view of the Sayers invention. In any case, Sayers explicitly teaches the use of a remote control as a relay node that is used to exchange configuration information, as discussed in figures 5A and B, and in paragraphs 0034-0038. As such, claim 1 is taught by Sayers.

b. Similarly, the obviousness concept of removable media drives was not considered in a vacuum. The question is whether one of ordinary skill, in view of the Sayers reference, would have envisioned a situation in which the configuration information could be exchanged through a smart card. Given Sayers already teaches the concept of exchanging configuration information in a protective fashion, such that a different communication medium is used, and given that the use of a smart card for configuration purposes is well known in the art, one of ordinary skill would certainly have anticipated a situation in which a smart card is used to exchange configuration information in a protective fashion, such that a different communication medium is used. The Immonen reference discussed in claim 4 is an example of this concept of exchanging configuration information between two devices using a smart card, where the general communication method is different from a smart card information exchange. Including this well known functionality into Sayers' teachings would have been envisioned by one of ordinary skill.

c. As discussed above, Sayers teaches the use of a button to exchange information when the device is within an acceptable distance of the server (paragraphs 0039-0040). As such, the limitations of claim 10 are fully taught in Sayers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571/272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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